

DOCKET FILE COPY ORIGINAL  
**RECEIVED**  
SEP - 3 1993  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of ) MM Docket No. 93-188  
 ) RM-8278  
Amendment of Section 73.202(b) )  
(Table of Allotments) )  
FM Broadcast Stations )  
 )  
Westbrook, Maine )  
(WYNZ) )

TO: Chief, Mass Media Bureau  
Policy and Rules Division  
Allocations Branch

**COMMENTS OF**  
**SAGA COMMUNICATIONS OF NEW ENGLAND, INC.**

Saga Communications of New England, Inc. ("Saga"), by its attorneys, as successor-in-interest to the Petitioner in this Docket, and pursuant to Section 1.420 of the Rules, files its Comments on the Notice of Proposed Rule Making, 8 FCC Rcd 4747 (1993), whereby the Commission proposed allotting Channel 265B1 to Westbrook, Maine, and modifying the license of WYNZ<sup>1</sup>, Westbrook, Maine, to operate on the upgraded channel. Comments are due today, September 3, 1993.

On August 18, 1993, new rules went into effect that allow a licensee to seek a co-channel upgrade by filing a

---

<sup>1</sup> On July 8, 1993, the assets and license of WYNZ-FM were acquired by Saga Communications of New England, Inc., from Buckley Broadcasting Corporation of Maine, the Petitioner in this docket. Therefore, these Comments are being filed by the successor-in-interest to the Petitioner. By letter dated August 11, 1993, the Commission modified the call sign of WYNZ-FM to "WYNZ."

No. of Copies rec'd  
List A B C D E

014

so-called "one-step" application.<sup>2</sup> Therefore, on August 18, 1993, Saga filed with the Commission an application on FCC Form 301 to upgrade WYNZ using the "one-step" application procedures. The application has been received and assigned File No. 930818IC. It has not yet been accepted for filing.

The Report and Order, Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application, 8 FCC Rcd 4735 (1993), at ¶23 states:

"[A] rule making petitioner...will be permitted to withdraw its rule making petition and resubmit its proposal in the form of an application. Parties choosing to withdraw their rule making proposals are cautioned, however, that in doing so they may adversely affect their position with respect to earlier filed petitions for rule making or earlier or simultaneously filed applications."

In light of this admonition, Saga is unwilling to withdraw the petition for rule making until it is clear that no conflicting petitions or applications are in existence that might adversely affect Saga's efforts to upgrade WYNZ.

Therefore, consistent with Paragraph 2 of the Appendix to Westbrook, Maine, 8 FCC Rcd 4747, 4748, as Saga has already filed a "one-step application," Saga states that if Channel 265B1 is allotted to Westbrook, Maine, either through rule making in this docket, or through the "one-

---

<sup>2</sup> See Section 1.420(g), Note 1, and Section 73.3573 of the Rules.

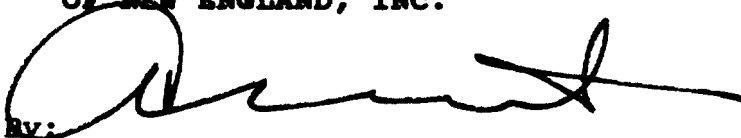
step" application process, Saga will build the improved facilities promptly.

If no petitions or applications are filed that would adversely affect Saga's one-step application to upgrade WYNZ, Saga will, by separate pleading, seek to withdraw its rule making petition.

WHEREFORE, Saga respectfully requests the Commission to allot Channel 265B1 to Westbrook, Maine, and to modify the license of WYNZ for operation on that channel.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, INC.**

  
By: \_\_\_\_\_

Gary S. Smithwick  
Its Counsel

**SMITHWICK & BELENDIUK, P.C.**  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 785-2800

September 3, 1993

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 3rd day of September, 1993, a copy of the foregoing was hand delivered to the following:

Ms. Kathleen Scheuerle  
Federal Communications Commission  
2025 M Street, N.W.  
Room 8314  
Washington, D.C. 20554

  
Patricia A. Neil